



PATENTS
WR-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Richard M. Weiss et al.

Application No. : 10/037,701 Confirmation No. : 7539

Filed : November 9, 2001

For : METHOD AND APPARATUS FOR MEASURING
AND ORIENTING GOLF CLUB SHAFT

Group Art Unit : 3711

Box MISSING PARTS
Hon. Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF PATRICK E. GONYA, JR. IN
SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

I, PATRICK E. GONYA, JR., hereby declare that:

1. I am a member of the Bar of the State of Florida and a shareholder in the Miami, Florida law firm of Fowler White Burnett P.A. ("FowlerWhite")

2. I make this declaration in support of a Petition Under 37 C.F.R. § 1.47(a) in the above-identified patent application.

3. FowlerWhite currently represents Richard M. Weiss, the first-named inventor of the above-identified patent application, in litigation against inventors Joseph H. Butler and Michael J. Twigg. The subject matter of the litigation, Richard M. Weiss, et al. v. J. Howard Butler, et al., Case No. 01-19342-CA-01, In The Circuit Court Of The Eleventh Judicial Circuit In And For Miami-Dade County, Florida, which

was commenced on August 15, 2001, is a dispute concerning certain terms of a consulting agreement between Mr. Weiss and Drs. Butler and Twigg. I understand that Drs. Butler and Twigg participated in development of the invention described and claimed in the above-identified patent application pursuant to the consulting agreement.

4. Drs. Butler and Twigg are represented in the litigation by H. Leo Beale, II, Esq., of the law firm of Kizer and Black in Maryville, Tennessee.

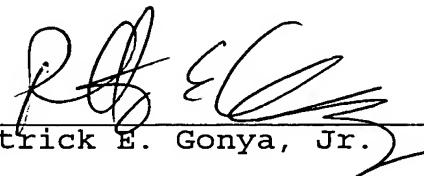
5. On or about May 4, 2002, Mr. Weiss presented me with a Declaration and Power of Attorney, and an Assignment, in connection with the above-identified patent application, and asked me to attempt to obtain the signatures of Drs. Butler and Twigg on those documents.

6. Since that time, I have had conversations with Mr. Beale on May 20, 2002, June 20, 2002, and August 7, 2002, and I sent electronic mail to Mr. Beale on June 17, 2002, July 16, 2002 and July 18, 2002, all in an attempt to determine whether or not Drs. Butler and Twigg would consent to sign the Declaration and Power of Attorney and the Assignment. Copies of the electronic mails are attached. Mr. Beale continually advised me that Drs. Butler and Twigg would not sign the Declaration and Power of Attorney or the Assignment. During the August 7, 2002 conversation, Mr. Beale also advised me that he would not provide a written refusal to sign, and that I should not send the documents to him.

I hereby further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

such willful false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

9/13/02
Date


Patrick E. Gonya, Jr.

Miami, Florida